

[Counsel listed after signature block]

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

IN RE STATIC RANDOM ACCESS  
MEMORY (SRAM) ANTITRUST  
LITIGATION

Case No. M:07-CV-01819-CW

MDL No. 1819

**STIPULATION AND ORDER RE:  
VOLUNTARY DISMISSAL OF TOSHIBA  
AMERICA, INC.**

This Document Relates to:

**[Fed. R. Civ. Proc. 23(e) & 41(a)(2)]**

ALL DIRECT PURCHASER ACTIONS

1 WHEREAS, counsel for Defendant Toshiba America, Inc. ("TAI") and counsel for the  
2 Direct Purchaser Class have entered into a Tolling Agreement for reasons including the  
3 representation by Counsel for TAI that TAI did not manufacture or sell SRAM; and

4 WHEREAS, pursuant to the Tolling Agreement, counsel for the Direct Purchaser  
5 Class seeks to voluntarily dismiss without prejudice the claims against Defendant TAI.

6 WHEREAS, the Court's approval of a voluntary dismissal without prejudice is  
7 required pursuant to Fed. R. Civ. Proc. 23(e) and 41(a)(2) because of the Court's Order of  
8 September 29, 2009 certifying a class of Direct Purchaser Plaintiffs against Defendants,  
9 including TAI; and

10 WHEREAS, pursuant to the terms of the Tolling Agreement, TAI can be again named  
11 as a defendant if, during the Tolling Period, facts warranting such re-naming are discovered;  
12 and

13 WHEREAS, the rights of the Direct Purchaser Class will not be prejudiced by such a  
14 dismissal without prejudice; and

15 WHEREAS, all Parties to the Direct Purchaser Action stipulate and agree to the  
16 requested dismissal;

17 NOW, THEREFORE, the Parties to the Direct Purchaser Action hereby stipulate that  
18 the claims against Defendant TAI should be voluntarily dismissed without prejudice and  
19 notice of such voluntary dismissal should be provided to class members by including the  
20 following language on the final page of the Mailed Notice:

21 Defendant Toshiba America, Inc. was included as a Defendant in the Class certified by  
22 the Court. However, Counsel for Defendant Toshiba America, Inc. and Lead Counsel  
23 for the Class have entered into a Tolling Agreement for reasons including the  
24 representation by Counsel for Toshiba America, Inc. that Toshiba America, Inc. did  
25 not manufacture or sell SRAM. Pursuant to the terms of the Tolling Agreement, the  
26 claims against Toshiba America, Inc. are to be voluntarily dismissed without  
27 prejudice. Therefore, unless you or another class member files an objection (by the  
28 same date and in the same manner as a request for exclusion from the Class – see  
above), and the Court finds that such objection has merit, the Court will voluntarily  
dismiss without prejudice the claims against Defendant Toshiba America, Inc.

IT IS SO STIPULATED this 17th day of December, 2008.

Dated: December 17, 2008

COTCHETT, PITRE & McCARTHY

By: /s/ Steven N. Williams  
Steven N. Williams

*Lead Counsel for the Direct Purchaser Class*

LATHAM & WATKINS LLP

By: /s/ Belinda S Lee  
Belinda S Lee

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Toshiba America Electronic Components, Inc.,  
and Toshiba America, Inc.

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2 HAMPTON LLP

3 By /s/ James L. McGinnis  
James L. McGinnis

4 Attorneys for Petitioners Samsung Electronics  
5 America, Inc., Samsung Semiconductor, Inc.,  
and Samsung Electronics Company, Ltd.

6  
7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

8  
9 Dated: December 19, 2008



Hon. Claudia Wilken

10  
11 *United States District Judge*  
*Northern District of California*

12 **ATTESTATION OF FILING**

13 Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), I, Steven N. Williams,  
14 hereby attest that concurrence in the filing of this stipulation and proposed order has been  
15 properly obtained.

16 COTCHETT, PITRE & MCCARTHY

17 By: /s/ Steven N. Williams  
Steven N. Williams

18 *Lead Counsel for the Direct Purchaser Class*

19 Submitted by:

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